

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THE UNITED STATES OF
AMERICA,

Plaintiff-Respondent.

vs.

ROBERT D. KAHRE,

Defendant-Petitioner,

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CR No. 2:05-CR-121-DAE-RJJ-1

REFERRAL ORDER

On October 6, 2015, Defendant-Petitioner Robert D. Kahre

(“Petitioner”) filed a pro se Motion to Vacate Sentence pursuant to 28 U.S.C.

§ 2255. (Dkt. # 2890.) Petitioner’s alleged grounds for his motion include subornation of perjury, errors in instructing the jury, insufficiency of the evidence, the Court’s refusal to allow the defense to compel certain witnesses to appear at trial, prosecutorial misconduct, and prejudice on the part of the Court. (Id.)

Following a complex and lengthy trial involving multiple defendants and lasting several months, the Ninth Circuit upheld Petitioner’s conviction on direct appeal in a published opinion on December 5, 2013. (Dkt. # 2849.) The Supreme Court subsequently denied Petitioner’s petition for a writ of certiorari on October 7, 2014. (Dkt. # 2875.)

Petitioner has concurrently filed a Motion to Recuse the undersigned. (Dkt. # 2889.) Petitioner sets forth nonspecific allegations that the undersigned was prejudiced against the Petitioner and in favor of the United States during his trial, and further suggests that the undersigned had a financial interest in corporate stocks that gave the undersigned “special, personal, and pecuniary interests in the prosecution and conviction of petitioner and his co-defendants.” (Id. at 2–4.)

At the time of Petitioner’s trial, the undersigned owned no corporate stock of any kind and had no financial interest in any entities involved in Petitioner’s gold-for-cash enterprise. Further, the record reflects that the undersigned provided Petitioner, his counsel, and the United States an even opportunity to present the case, and was anything but prejudiced against Petitioner. Nevertheless, because of Petitioner’s allegations of bias, the undersigned believes that it would be fitting and appropriate that another judge determine whether the undersigned should be recused in this matter. The undersigned therefore requests that Petitioner’s Motion to Recuse be referred to the Honorable Chief Judge Gloria M. Navarro so that she, or whomever she designates, may rule on the Motion.

IT IS SO ORDERED.

DATED: Las Vegas, Nevada, October 8, 2015.

A handwritten signature in black ink, appearing to read 'David Alan Ezra', is written over a horizontal line.

David Alan Ezra
Senior United States District Judge